IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M.No.23959-CII of 2006 in
C.O.C.P. No.1403 of 2005
Date of Decision:- 27.11.2006

Payare Lal ....Petitioner

through
Mr.S.P.S.Tinna, Advocate

vs.

Dr.G.Vijralingam & ors. ....Respondents

through
Mr.G.S.Cheema, Sr.DAG,
Punjab for respondent No.1.
Mr.Sandeep Khunger, Advocate
for respondent No.3.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

C.M.No.23959-CII of 2006

Short reply by way of short affidavit on behalf of respondent No.3 is taken on record.

C.M.stands disposed of.

C.O.C.P. No.1403 of 2005

The petitioner, who retired on attaining the age of superannuation on 31.3.2005, approached this Court by way of C.W.P.No.12014 of 2005 for a direction to the respondents to release his retiral benefits. The writ petition was disposed of on 4.8.2005 with a direction to the respondents to take a decision on the representation made by him and in case anything was found due, to release the same to the petitioner within a period of one month thereafter.

Alleging non-compliance of the above-stated order, this contempt petition has been filed.

In response to the show cause notice, separate affidavits have been filed by respondents No.1 and 3 respectively. In para 3 of his affidavit, Diwan Chand, Executive Officer, Municipal Council, Abohar has given the details regarding various retiral benefits to the petitioner. A perusal of the aforesaid affidavit reveals, which is also not disputed by learned counsel for the petitioner, that the principal amount of all the retiral benefits have since been paid to the petitioner. However, it is also apparent that except a paltry amount of Rs.35,000/-, rest of the arrears of post-retiral benefits have been paid to the petitioner on 31.1.2006 and 3.3.2006.

There is, thus, apparently an inordinate delay in releasing the retiral benefits as well as in compliance of the directions issued by this Court.

However, in view of the fact that the petitioner can be suitably compensated for the delay caused by the respondents in compliance of the orders passed by this Court, I am not inclined to continue with these proceedings which are accordingly disposed of with a direction to the respondents to pay to the petitioner interest at the rate of 7% per annum on all those arrears of retiral benefits which have been paid to him after 31.3.2005. The aforesaid interest amount shall be calculated with effect from 1.6.2005 till the actual payment thereof.

The arrears of interest shall be paid to the petitioner within a period of two months from today.

Disposed of.

Rule discharged.

November 27, 2006 **(SURYA KANT)**
poonam **JUDGE**